

Section 3.210 – Exclusive Farm Use (A-1) Zone

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Section 3.211 – Purpose

The purpose of the Exclusive Farm Use (A-1) Zone is to preserve and maintain *agricultural lands* for farm use consistent with historical, existing, and future needs. This includes economic needs related to the production of agricultural products. And to permit the establishment of only those uses that are compatible with agricultural activities consistent with the applicable Statutory and Administrative Rule provisions of ORS Chapter [215](#) and OAR Chapter [660-033](#).

Uses, buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Exclusive Farm Use (A-1) Zone shall comply with the following regulations. If these regulations are preempted by mandatory ORS's or OAR's, those regulations shall be applied directly pursuant to ORS [197.646](#).

Section 3.212 – Uses Permitted Without Review

The following uses are permitted on lands designated Exclusive Farm Use (A-1) Zone without review:

RESOURCE USES

- A. Farm use as defined by Section 1.090, Definitions and ORS [215.203](#), that is non-discretionary.
- B. Propagation and harvesting of a forest product.
- C. Operations for the exploration for minerals as defined by ORS [517.750](#). Any activities or construction relating to such operations shall not be a basis for an exception under ORS [197.732](#)(1)(a) or (b).

- D. Operations for the exploration for and production of geothermal resources as defined by ORS [522.005](#), and oil and gas as defined by ORS [520.005](#) including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.).

NATURAL RESOURCE USES

- E. Creation, restoration or enhancement of wildlife habitat and wetlands that do not include *development* as defined by Section 1.090 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section [3.214 L](#) below.

TRANSPORTATION FACILITIES

- F. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.
- G. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not resulting in any new land parcels.
- H. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.
- I. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

UTILITY/DISPOSAL FACILITIES

- J. Utility facility service lines under 200' in height: Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - 1. A public right of way;
 - 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 - 3. The property to be served by the utility.
- K. Transport of biosolids to tract of land for application. Pursuant to ORS [215.247](#) if biosolids are transported by vehicle to a tract on which the biosolids will be applied to

the land under a license, permit or approval issued by the Department of Environmental Quality under ORS [454.695](#), [459.205](#), [468B.050](#), [468B.053](#) or [468B.055](#) or in compliance with rules adopted under ORS [468B.095](#), the transport and the land application are allowed outright.

The application of biosolids which do not meet these criteria is subject to [3.214 A](#) below.

- L. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS [540.505](#).

COMMERCIAL USES

M. Minor Home occupation that:

1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
2. Does not serve clients or customers on-site;
3. Does not produce odor, dust, glare, flashing lights or noise;
4. Does not occupy more than 25 percent of the floor area of the dwelling; and
5. Does not include the on-premises display or sale of stock in trade.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.215 Y](#) below.

Section 3.213 – Uses Permitted Subject to Type I Review

The following uses are permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to Section [3.216 - Property Development Standards](#), Chapter 10 - Fire Safety Standards and any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee.

- A. Agricultural Building: Buildings and structures other than dwellings customarily provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less

than 10 feet in height, and decks including those less than 30" from the ground. A person may not convert an agricultural building authorized by this section to another use and is required to record a deed restriction identifying the building as for agricultural use only.

- B. Accessory Structure: Buildings and structures accessory to a legally established use not provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.
- C. Alteration, restoration, relocation, or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel, subject to Section [3.216 A 1 d - Addition, Modification or Relocation Setbacks](#) and [3.219 C - Replacement Dwellings](#) (Dwellings only).

ENERGY/UTILITY FACILITIES

- D. Non-commercial/stand-alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
- E. Collocation of antennas and wireless telecommunication facilities, including associated equipment (equipment shelters, etc.) on a previously approved wireless telecommunications facility subject to Chapter 14.

MISCELLANEOUS

- F. Fire service facilities providing rural fire protection services.

Section 3.214 – Uses Permitted Subject to Standards/Type II Review

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section [3.216 - Property Development Standards](#), Section [3.218 - Agricultural Protection](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

RESOURCE USES

- A. Farm use as defined by Section 1.090, Definitions and ORS that is discretionary.

B. Land application of reclaimed water, agricultural process or industrial process water or biosolids subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under [454.695](#), [459.205](#), [468B.050](#), [468B.053](#) or [468B.055](#) or in compliance with rules adopted under ORS [468B.095](#), and must be reviewed subject to OAR [660-033-130](#) (11), ORS [215.246](#), ORS [215.247](#), ORS [215.249](#), and ORS [215.251](#).

COMMERCIAL USES RELATED TO FARM USE

C. A winery subject to ORS [215.452](#), ORS [215.453](#), ORS [215.454](#), ORS [215.455](#) and ORS [215.237](#).

D. A cider business subject to [ORS 215.451](#).

E. A facility for the processing of farm crops, subject to ORS 215.255 and the following:

1. The facility:

a. Uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Siting standards shall not be applied in a manner that prohibits the siting of a facility for the processing of farm products; or

b. Exception: A facility which uses less than 2,500 square feet for its processing area is exempt from any applicable siting standards. However, applicable siting standards and criteria pertaining to floodplains, geological hazards, airport safety, riparian areas/waterways/wetlands, and fire siting standards shall apply.

2. Divisions of lots or parcels that separate a facility for the processing of farm products from the farm operation are prohibited.

F. Farm stands subject to OAR [660-033-0130](#) (23).

RESIDENTIAL USES

G. Farm Dwelling: One single family dwelling customarily provided in conjunction with farm use, subject to Section [3.219 E](#) below.

H. Accessory Farm Dwelling(s): An accessory farm dwelling is a single family dwelling occupied by a person or persons principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. Accessory farm dwelling includes all types of residential structures allowed by applicable state building code. Accessory farm dwellings are also subject to Section [3.219 B](#) below.

- I. Relative Farm Dwelling: A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator or farm operator's spouse and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:
 - 1. The relative is a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse;
 - 2. The farm operator does, or will require the assistance of the relative in the management of the farm use;
 - 3. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and
 - 4. The farm operator shall submit a Farm Management Plan documenting how the relative dwelling is necessary for maintaining the farm use.
- J. Lot of Record Dwelling: One single family dwelling on a lot or tract of record less than 80 acres, subject to Section [3.219 D](#) below.
- K. Alteration, restoration, relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Section [3.216 A1d - Addition, Modification or Relocation Setbacks](#) and [3.219C - Replacement Dwellings](#) (Dwellings only).
- L. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a *Farm Management Plan* documenting how the replacement dwelling will be used in conjunction with a farm use.

NATURAL RESOURCE USES

- M. Creation, restoration or enhancement of wetlands that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.710 - Flood Hazard Overlay (OZ 1).

UTILITY/ENERGY FACILITIES

Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

- N. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities over 200 feet in height, subject to Section [3.219 G](#) below.
- O. Non-commercial/standalone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
- P. Communication facilities and towers supporting wireless telecommunication facilities, subject to Chapter 14.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- Q. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary and the following:
 - 3. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.
 - 4. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use.
 - 5. An owner of property used for this purpose may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operators cost to maintain the property, buildings and facilities.
 - 6. "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.
- R. Churches and cemeteries in conjunction with churches consistent with ORS [215.441](#), except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS [197.732](#) and OAR [660-004](#), and further that no such use may be authorized on high value farmland. Existing facilities wholly within a farm zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of OAR [660-033-130](#) (2).

MISCELLANEOUS USES

- S. Partitions, Subdivisions, and Replats subject to Chapter Chapter 21.
- T. Property Line Adjustments subject to Chapter 21 and Section [3.217 \(I\)](#).
- U. Land Division for the siting of utility facilities necessary for public service (ORS [215.283](#) (1)(c) subject to standards in ORS [215.263](#) (3) and:
 - a. A deed restriction stating the smaller parcel may not later be rezoned for retail, commercial, industrial or other non-resource uses, except as provided under ORS [197.732](#) is required as a condition of approval.
- V. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section [3.219 O](#) below. On-site filming in excess of 45 days is a conditional use.

Section 3.2145 – Uses Permitted Subject to Standards/Type II with ORS 215.296 review

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section [3.216 - Property Development Standards](#), Section [3.218 - Agricultural Protection](#), Chapter 10 - Fire Safety Standards, ORS [215.296](#), Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

RESOURCE USES

- A. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to ORS [215.298](#) and Section 3.760 - Mineral & Aggregate Overlay.

COMMERCIAL USES RELATED TO FARM USE

- B. A restaurant in conjunction with a winery as described in ORS [215.453](#) that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS [215.453](#) that occur on more than 25 days in a calendar year.
- C. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

TRANSPORTATION

- D. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
- E. Electrical Transmission Facilities and Utility Facility Lines greater than 200' in height.

Section 3.215 – Uses Permitted Subject to Conditional Use Review/ Type III

The following uses may be permitted on a legal parcel designated Exclusive Farm Use (A-1) Zone subject to Section [3.216 - Property Development Standards](#), Section [3.218 - Agricultural Protection](#), ORS [215.296](#), Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking or is a commercial event (home occupation or agritourism), as well as any other listed, referenced, or applicable standards:

RESOURCE USES

- A. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. Notice of all applications under this shall be sent to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing on the application.
- B. Primary processing of forest products, subject to the following:
 - 1. Such facility does not seriously interfere with accepted farming practices and is compatible with farm uses as defined.
 - 2. Such facility may be approved for a one-year period which is renewable.
 - 3. The facility is intended to be only portable or temporary in nature.
 - 4. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.
- C. Processing, as defined by ORS [517.750](#), of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt

production is filed, and subject to WCLUDO Section 3.760 - Mineral and Aggregate Overlay.

- D. Processing of other mineral resources and other subsurface resources.
- E. Mining and processing of geothermal resources as defined in ORS [522.005](#) and oil and gas as defined by ORS [520.005](#) not otherwise permitted in Section [3.212 D](#) above.

COMMERCIAL USES RELATED TO FARM USE

- F. Commercial activities in conjunction with farm use as defined in ORS [215.203](#), including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use or by Section [3.214 D](#) above, subject to Section [3.219 J](#) below.
- G. Farm ranch recreation including but not limited to hunting preserves, fishing, fly fishing and tying clinics, trap and skeet range, archery range, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, and outdoor schools in conjunction with a commercial farming operation subject to Section [3.219 F](#) below.

In season fee hunting shall not be included in Farm Ranch Recreation unless it includes lodging or is part of a larger farm ranch recreation operation.

- H. ~~A guest ranch as described by ORS [215.461](#) and subject to ORS [215.461](#) and ORS [215.296](#).~~

RESIDENTIAL USES

- I. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to ORS [215.296](#) and Section [3.219 A](#) , below.
- J. A temporary medical hardship dwelling for the term of hardship suffered by the existing resident or relative subject to Chapter 8 Temporary Use Permit - Section 8.070.
- K. Residential home which means a residential treatment or training or adult foster home in an existing dwelling licensed by or under the authority of the department, as defined in ORS [443.400](#), under ORS [443.400](#) to [443.825](#), a residential facility registered under ORS [443.480](#) to [443.500](#) or an adult foster home licensed under ORS [443.705](#) to [443.825](#) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related (or as further defined in ORS [197.660](#)).

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

- L. Non-commercial/stand-alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

- M. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.

A wind power generation facility shall also be subject to Section [3.219 K](#) below.

Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter [660-004](#), or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter [660-004](#) and ORS [197.732](#).

- N. Natural Gas or Petroleum Product Pipelines subject to Section [3.219 G](#) below and Chapter 19 - Standards for Energy Facilities - Section 19.030.

- O. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS [459.245](#), including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.

- P. Composting facilities (excluding non-green feedstocks) for which a permit has been granted by DEQ under ORS [459.245](#) and OAR [340-096-0200](#) subject to OAR [660-033-130](#) (29) and OAR [340-096-0060](#).

TRANSPORTATION

- Q. Personal use airports for airplanes and helicopter pads, including associated hangars, maintenance and service facilities. A personal-use airport, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

CQ. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

R. Roads, highways and other transportation facilities and improvements not otherwise allowed by this ordinance subject to:

1. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or
2. ORS [215.296](#) for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

S. Transportation improvements on rural lands allowed by OAR [660-012-0065](#).

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

T. Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

U. Parks and playgrounds A public park includes only the uses specified under OAR [660-034-0035](#) or [660-034-0040](#) whichever is applicable and may only be established subject to ORS [195.120](#).

V. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS [565.210](#).

W. Any gathering subject to review by a county planning commission under the provisions of ORS [433.760](#). These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.

X. Public or private schools for kindergarten through grade 12, including all building essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to the following:

1. New schools may not be established on high-value farmland. Existing schools on high-value farmland may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.

2. No new school may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter [660-004](#).
3. Existing schools not on high-value farmland that are primarily for residents of the rural area in which the school is located may be maintained, enhanced, or expanded.
4. Existing schools that are not primarily for residents of the rural area in which the school is located may be expanded on the tax lot on which the use was established or on a contiguous tax lot owned by the applicant on January 1, 2009.

COMMERCIAL USES

Y. Major Home occupation subject to Chapter 20 - Site Plan Review - Section 20.090 and ORS [215.448](#). Construction of a structure that would not otherwise be allowed in the zone is not permitted.

Z. Home Occupation with Room and Board or (Bed and Breakfast) arrangements in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary subject to the following.

1. Room and board arrangements shall:
 - a. Not exceed accommodations for five unrelated persons beyond the inhabitants of the house; and
 - b. Include month to month rental with food contract.
2. Bed and breakfast arrangements shall:
 - a. Not exceed five rooms;
 - b. Limit occupation by guests to no more than 30 consecutive days; and
 - c. Only allow breakfast to be served to guests and no other meals.

AA. Home Occupation to Host Commercial Events subject to Chapter 20 – Site Plan Review - Section 20.100: The commercial events are associated with a farm use, lawfully approved winery, bed and breakfast or farm ranch recreation and includes weddings, receptions, parties, bicycle races confined to the subject parcel(s) and other small-scale gatherings hosted for a fee that are incidental and subordinate to the primary use of the parcel. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

If the commercial event is in conjunction with a farm use, the applicant shall submit a Farm Management Plan which includes documentation that the property is capable of meeting the Farm Dwelling income test in Section [3.219 E.2.b.](#) below.

BB. Dog Kennels, except that such uses are prohibited on high value farmland.

CC. Private parks, playgrounds, and campgrounds, as defined in Section 1.090, Definitions, except that such uses are prohibited on high value farmland, subject to OAR [660-033-0130](#) (2), (5), and (19) and Section [3.219 H](#) below.

DD. Golf courses: A 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course except that such uses are prohibited on high value farmland, as defined in ORS [195.300](#), subject to OAR [660-033-0130](#) (2), (5), and (20).

EE. Operations for the extraction and bottling of water.

FF. On-site filming if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. This use is also subject to Section [3.219 I](#) below.

GG. A landscape contracting business, as defined in ORS [671.520](#), or a business providing landscape architecture services, as described in ORS [671.318](#), if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

HH. Log truck parking as provided in ORS [215.311](#).

II. A farm brewery as described in ORS [215.449](#).

JJ. Agritourism uses subject to ORS [215.283](#) (4), (5), and (6) and subject to 3.219 L.

KK. Equine and equine-affiliated therapeutic and counseling activities, provided:

1. The activities are conducted in existing buildings that were lawfully constructed on the property before January 1, 2019 or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and
2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

Section 3.216 – Property Development Standards

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

A. Setbacks

1. Property Line

- a. All dwellings and accessory structures not in conjunction with farm use except utility facilities necessary for public service, shall comply with the following property line setback requirements:
 - i. If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.
 - ii. If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.
 - iii. If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.
 - iv. If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:
 - (a) The structure shall be set back a minimum of 25 feet from the road right of way or easement;
 - (b) The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and
 - (c) As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the greatest extent practicable.
- b. All dwellings in conjunction with farm use shall comply with the following property line setback requirements:

- i. If adjacent land is being used for perennial or annual crops, grazing, zoned Exclusive Farm Use and has never been cultivated, or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.
- ii. If the adjacent land is not in agricultural production and is not zoned for exclusive farm use or forest use, the setback shall be a minimum 25 Feet from the property line.
- iii. If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:
 - (a) The structure shall be set back a minimum of 25 feet from the road right of way or easement;
 - (b) The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and
 - (c) As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the greatest extent practicable.
- c. Agricultural buildings or farm structures shall be set back a minimum of 25 feet from the property line.
- d. Utility facilities necessary for public service shall be set back a minimum of 25 feet from the property line.
- e. Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:
 - i. Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7 - Variances and any other applicable review criteria. The provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)
 - ii. Farm & Non-Farm buildings and structures: The proposed addition, modification or relocation shall not result in nonconformity or greater

nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots.

- f. Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

2. Waterways

- a. Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.
 - i. A minimum distance of 100 feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
 - ii. A minimum distance of 50 feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.
 - iii. A minimum distance of 25 feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.
 - iv. If the proposal does not meet these standards it shall be subject to Section [3.216 A1c - Additions or Modifications to Existing Structures](#), above.
 - v. The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
 - (a) Fences;
 - (b) Streets, roads, and paths;

- (c) Drainage facilities, utilities, and irrigation pumps;
 - (d) Water-related and water-dependent uses such as docks and bridges;
 - (e) Forest practices regulated by the Oregon Forest Practices Act;
 - (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
 - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- b. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.710 - Flood Hazard Overlay (OZ 1).
3. Irrigation Ditches: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.
4. Wasco County Fairground
- a. Front Yard: No structure other than a fence or sign shall be located closer than ten (10) feet from the rights of way of a public road.
 - b. Side Yard: No structure other than a fence or sign shall be located closer than seven feet for buildings not exceeding two and one half (2 & 1/2) stories in height; for buildings exceeding two and one half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one half stories.
 - c. Rear Yard: No structure other than a fence shall be located closer than ten (10) feet from the rear yard property line.
 - d. RV Spaces: RV spaces are subject to the setback requirements of Chapter 17 - Recreational Vehicle Parks.
 - e. Existing & Replacement Structures: All lawfully established structures which do not conform to current setback standards shall be allowed to be expanded, or

replaced and expanded into the required setback as long as the expansion does not encroach upon the required setback more than the existing structure.

5. All development will be setback 25 feet from roads or access easements.

B. Height: Except for those uses allowed by Section 4.070 - General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.

C. Vision Clearance: Vision clearance on corner properties shall be a minimum of 30 feet.

D. Signs

1. Permanent signs shall not project beyond the property line.

2. Signs shall not be illuminated or capable of movement.

3. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.

4. Size and Height of Permanent Signs:

a. Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.

b. Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.

5. Number of permanent signs:

a. Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.

b. Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

6. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way. Election signs are permitted but shall not be set in place more than 45 days prior to an election and shall be removed within 45 days after an election.

- E. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- F. Parking: Off street parking shall be provided in accordance with Chapter 20.
- G. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

Section 3.217 – Property Size Standards

Subdivisions and Series Partitions pursuant to ORS [92.010](#) - [92.190](#), and [92.305-92.495](#): Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone.

A. Farm Divisions:

1. 40 Acre: There shall be a 40 acre minimum land division for farm parcels in the A-1(40) zone.
2. 80 Acre: There shall be a 80 acre minimum land division for farm parcels in the A-1(160) zone to allow for land divisions around higher value per acre crops. All proposed farm parcels at least 80 acres but less than 160 acres shall meet the following standards:
 - a. A Farm Management Plan shall be submitted with the application.
 - b. The proposed farm parcel or parcels have been planted in a higher value per acre crop adequate to meet the income requirement in c. below;
 - c. Income Test

The proposed farm parcel or parcels are each capable of producing \$250,000 in gross annual income (2009 dollars adjusted for inflation at an annual rate of 2.375%) from the sale of farm products.

Capability of producing the gross annual income described above shall be shown in one of two ways.

- i. Documentation of actual gross income received during the last two years or three of the last five years.

- ii. Documentation that the current amount of acreage planted on the proposed farm parcel or parcels are each capable of producing the gross income described above. This documentation shall be prepared by a professional with the credentials to make such a determination such as a representative of the Oregon Department of Agriculture or Oregon State Extension Office. The documentation shall include the following:
 - (a) Identify the type(s) and size(s) of viable farms that comprise this commercial agricultural enterprise in the county, or within the surrounding area which meet or exceed the gross income described above.
 - (b) Identify soils, topography, land forms, slopes, solar access, irrigation, rainfall, sunlight of viable farms that comprise this type of commercial enterprise and compare those to the proposed property.
 - (c) Is there an identified industry with infrastructure for this type of commercial enterprise within the county or surrounding area? If so, how will this operation contribute to that enterprise? If not, will it be viable on its own?

Approval of a request to divide agricultural land to the 80-acre minimum does not necessarily guarantee a farm dwelling. Any subsequent request for a farm dwelling will have to meet applicable standards set forth in Sections [3.214 F](#) and [3.219 E](#).

- 3. 160 Acre: There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone and cannot meet the 80 acre minimum test in b above.

B. Non-Farm Divisions (Part of Parcel)

1. Non-Farm Dwelling & Non-Farm Use Divisions

- a. A one-time division of land to create:
 - i. Up to two new parcels no less than 2 acres in size and no greater than 20 acres in size, each to contain a dwelling not provided in conjunction with farm use, only if the dwelling has been authorized in accordance with Sections [3.215 I](#) and [3.219 E](#); or
 - ii. A parcel to contain a nonfarm use, except dwellings, listed in Section [3.215 - Conditional Uses](#) above, unless otherwise precluded by statute. The parcel

shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law;

- b. The parcel(s) are divided from a lot or parcel that was lawfully created in its current configuration prior to July 1, 2001. This date applies to properties even if they were created after July 1, 2001 pursuant to this section;
 - c. The parcel(s) are divided from a lot or parcel that exceeds 160 acres and which will continue to meet or exceed 160 acres after the division;
 - d. The parcel(s) are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land; and
 - e. The parcels for the nonfarm dwellings are not located in the A-1(40) zone.
 - f. The non-farm parcels shall be disqualified from special assessment pursuant to Section [3.219 A7](#) below.
 - g. The non-farm parcels do not have established water rights for irrigation.
2. Park and Open Space Divisions: A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels subject to the following:
- a. A parcel created by the land division that already contains a dwelling is large enough to support continued residential use of the parcel; and
 - b. A parcel created pursuant to this subsection that does not contain a dwelling:
 - i. Is not eligible for siting a dwelling, except as may be authorized under ORS [195.120](#);
 - ii. May not be considered in approving or denying an application for siting any other dwelling;
 - iii. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - iv. May not be smaller than 25 acres unless the purpose of the land division is:

(a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(b) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

C. On land zone farm use, a property line adjustment may not be used to:

1. Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
2. Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
3. Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standards; or
4. Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lawfully established unit of land affected by the property line adjustment is larger than:
 - a. Two acres if the lawfully established unit of land is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland or within a ground water restricted area; or
 - b. Five acres if the lawfully established unit of land is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland or within a ground water restricted area.

Section 3.218 – Agricultural Protection

The uses listed in Section [3.214 - Uses Allowed Subject to Standards](#) and Section [3.215 - Conditional Uses](#) must meet the following standards:

- A. Forest Farm Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS [30.936](#) or [30.937](#).
- B. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

Section 3.2185 – Challenging Soil Class Rating

- A. Lot of Record: For the purposes of approving a Lot of Record application under Section [3.214](#) above, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
 - 1. Submits the following:
 - a. Report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 - b. Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report finds the analysis in the report to be soundly and scientifically based.
- B. All Other: The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:
 - 1. Submits a report to the Wasco County Planning Department from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:
 - a. Copy of the most current National Cooperative Soil Survey map(s) for the specified area;
 - b. Methods used by the Soil Scientist;

- c. Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units;
 - d. Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;
 - e. Notation of any limitations encountered;
 - f. Results, findings and decisions;
 - g. Overview of geology, parent material, and related factors;
 - h. Description of landforms, topography, confirming relationship of landforms to soil mapping units;
 - i. Description of on-site and adjacent hydrology, including surface and subsurface features;
 - j. Description of revised soil mapping units;
2. Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.

Section 3.219 – Additional Standards

A. Non-Farm Dwelling:

1. The parcel is not within the A-1(40) Zone.
2. There is no other dwelling on the parcel;
3. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;
4. Criteria for Farmland within the EFU Zone:

The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I – VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means what is generally unsuitable land for agriculture in Wasco County:

- a. On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in c. below.
- b. On parcels at least 80 acres but less than 160 acres that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in c. below.
- c. Generally Unsuitable Criteria:
 - i. predominantly greater than 40 % slope, or
 - ii. produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or
 - iii. never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination conducted by an authorized professional using Natural Resource Conservation RCS standards.

5. Criteria for Forested land within the EFU zone

- a. If the parcel is unsuitable for agricultural use and is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation,

location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable".

- b. If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:
 - i. The dwelling is compatible; and
 - ii. The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and
- 6. Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the following standards:
 - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
 - b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and

arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings;

- c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;
- d. In addition to a – c, if the application involves the creation of a new parcel for a nonfarm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying a – c above.

7. Disqualification of Special Assessment:

The owner of the parcel shall provide evidence that:

- a. The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland; and
- b. A Request has been made in writing to the County Assessor to disqualify the parcel from special assessment; and
- c. Prior to receiving zoning approval on a building permit application or a final plat map, the non-farm parcel has been disqualified from special assessment pursuant to ORS [215.236](#) and any additional tax imposed upon disqualification from special assessment have been paid; and
- d. Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

B. Accessory Farm Dwelling:

- 1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting,

marketing or caring for livestock, is or will be required by the farm operator. The applicant shall submit a Farm Management Plan to provide evidence of this;

2. The accessory farm dwelling will be located:
 - a. On the same lot or parcel as the dwelling of the primary farm dwelling; or
 - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules; or
 - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the ranch operation registered with the Dept. of Consumer & Business Services, Oregon Occupational Safety and Health Division under ORS [658.750](#). Accessory farm dwellings approved Section H. shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under Section G(1) below, Farm Divisions and the lot or parcel complies with the gross farm income requirements in subsection d below.
3. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;
4. In addition to the requirements in subsection a - c. of this section, the primary farm dwelling to which the proposed dwelling would be accessory satisfies the following:
 - a. The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 1.090 and ORS [215.203](#),

and produced in the last two years or three of the last five years, one (1) of the following:

- i. On land not identified as high-value farmland at least *\$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products.
 - ii. On land identified as high-value farmland, and produced at least (*\$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income and,
 - b. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
5. The county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section.

If it is determined that an accessory farm dwelling satisfies the requirements Section [3.214 G](#) above, One Single Family Dwelling Customarily Provided in Conjunction with Farm Use, a parcel may be created consistent with the minimum parcel size requirements in Section 3.217 A - Farm Divisions; and

6. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section [3.215 I](#), One Single Family Dwelling Not Provided in Conjunction with a Farm Use.
 7. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.
 8. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.
- C. Alteration, restoration, relocation or replacement of a lawfully established dwelling:
1. Has, or formerly had, intact interior walls and roof structure;
 2. Has, or formerly had, indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 3. Has, or formerly had, interior wiring or interior lights;

4. Has, or formerly had, a heating system;
5. In the case of replacement:
 - a. The new dwelling is subject to all applicable siting requirements;
 - b. The existing dwelling is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling;
 - c. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel; and
6. In the case of deferred replacement:
 - a. The existing dwelling is removed or demolished within 90 days after the deferred replacement permit is issued. If the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void;
 - b. Construction of the replacement dwelling may occur at any time but may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant; and
 - c. The replacement dwelling must comply with all applicable siting requirements, building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
7. If the dwelling was removed, destroyed or demolished:
 - a. The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and
 - b. Any removal, destruction or demolition occurred on or after January 1, 1973;
8. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or
9. A dwelling not described in subsection 7. or 8 above was assessed as a dwelling for purposes of ad valorem taxation:
 - a. For the previous five property tax years; or

- b. From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS [307.010](#).

D. Lot of Record Dwelling:

1. The lot or parcel on which the dwelling is to be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner:
 - a. Since before January 1, 1985; or
 - b. By device or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.
2. The tract upon which the dwelling is to be sited does not include another dwelling;
3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;
4. The tract on which the dwelling is to be sited is not high value farmland as defined in Section 1.090, Definitions.
5. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel;
6. The director or the director's designee shall notify the county assessor of any decision to permit a lot of record dwelling;
7. As used in this zone, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members; and
8. Land use approval for a lot of record dwelling may be transferred one time to any other person, prior to issuance of building permit.
9. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.

E. Farm Dwelling:

1. Large Lot: a dwelling may be considered customarily provided in conjunction with farm use subject to the following:
 - a. The land on which the dwelling to be sited is not identified as high-value farmland;
 - b. The parcel on which the dwelling will be located is at least 160 acres and not designated rangeland or at least 320 acres and designated rangeland;
 - c. The subject tract is currently employed for farm use, as defined in Section 1.090 and ORS [215.203](#) as evidenced by a Farm Management Plan.
 - d. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no Accessory Farm Dwelling for farm help may be authorized pursuant to Section [D 7](#) above; and
 - e. There is no other dwelling on the subject tract, except for seasonal farmworker housing approved prior to 2001
2. Income Test (for Parcels Less than 160 acres) subject to the following and [Subsection c](#) below:
 - a. Meets either (1) or (2) below:
 - i. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for farm use, as defined in Section 1.090 and ORS [215.203](#), as evidenced by a Farm Management Plan, that produced at least *\$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; or
 - ii. On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for the farm use, as defined in Section 1.090 and ORS [215.203](#), as evidenced by a Farm Management Plan, that produced at least *\$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; and
 - a. In determining the gross income required by this subsection:

- i. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - ii. Only gross income from land owned, not leased or rented, shall be counted; and
 - iii. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used
- b. There is no other dwelling, excepting seasonal farmworker housing approved prior to 2001, on lands designated for exclusive farm use pursuant to ORS Chapter [215](#) or for mixed farm/forest use pursuant to OAR [660-006-057](#) owned by the farm or ranch operator or on the farm or ranch operation; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.
 - d. Prior to issuance of zoning approval on a building permit application, a Notice of Decision shall be recorded in the deed records with the Wasco County Clerk for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - i. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter [215](#); and
 - ii. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
 - e. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Chair of the Board of County Commissioners;
 - f. Enforcement of the covenants, conditions and restrictions may be undertaken by the Dept. of Land Conservation & Development or Wasco County;
 - g. The Planning Director shall maintain a copy of the Notice of Decisions filed in the County deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the County deed records pursuant to this section. The map or other record shall be readily available to the public in the Planning Office.
 - h. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of producing required minimum income within a study

area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;

- i. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in i. above.
- j. The subject tract is currently employed for a farm use, as defined in ORS [215.203](#), at a level capable of producing the annual gross sales required by this subsection.
- k. The subject lot or parcel on which the dwelling is proposed is not less than 20 acres.
- l. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by k. above.

Study area and analysis shall be consistent with the rules in OAR [660-033-0135](#) (2)(b).

F. Farm Ranch Recreation:

1. The tract or parcel is currently employed in a commercial agricultural operation as defined in Section 1.090 and ORS [215.203](#) as evidenced by a Farm Management Plan.

If the Farm Ranch Recreation utilizes agricultural operations on a tract to meet the commercial agricultural operation standards they will be required to own and operate the tract. If portions of the tract used to justify the commercial agricultural operation are sold the Farm Ranch Recreation approval will automatically become void and the owner will cease to operate within 60 days of selling the property.

2. The Farm Management Plan shall also include the Farm Ranch Recreation proposal including the number of acres devoted to the recreational use, proposed or existing buildings involved in the use, hours and days of operation, and anticipated usage (number of visitors). Additionally, it must be demonstrated how the Farm Recreation activities are compatible with the commercial farming operation.
3. The Farm Ranch Recreation proposal shall not be the primary use of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and impact, however, income generated from the farm ranch recreation use does not have to be subordinate to income generated by the commercial agricultural operation. Scope, scale and impact shall take into consideration the number of

acres/area devoted to the farm ranch recreation use, anticipated usage of the use, days and hours of operation.

4. New Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in Section [3.219 A 4](#), Non-Farm Dwelling, where practicable. If the proposal is to not locate Farm Ranch Recreation structures on land that is "generally unsuitable", the application shall explain why and how the proposal best protects agricultural lands.
5. Recreational uses such as fly fishing and hunting off of the parcel or tract shall be allowed. However, the primary portion of the Farm Ranch Recreation use, excluding lodging, shall occur on the parcel or tract.
6. Overnight lodging units in new or existing structures may be permitted in conjunction with the Farm Ranch Recreation operation. Lodging unit means an individual guest room in a lodge, bunkhouse, cottage, cabin, tent or licensed recreational vehicles used only for transient lodging and not for a permanent residence. No more than 10 lodging units are allowed. No kitchen facilities are permitted in individual lodging units. All overnight facilities shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements for sanitary sewage disposal.
7. In addition to overnight lodging units a separate kitchen area, rest rooms, storage or other shared indoor space shall be allowed.
8. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation site. The cost of meals, if any, provided to guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation may be included in the fee to visit or stay at the farm ranch recreation site. A farm ranch recreation may not sell individual meals to an individual who is not a guest of the farm ranch recreation, an individual accompanying a guest or an individual attending a special event at the farm ranch recreation site. Kitchen facilities associated with the farm ranch recreation shall comply with Oregon Dept. of Environmental Quality and/or North Central Public Health District requirements.
9. The Approving Authority shall place reasonable no-shooting buffers (setbacks from property lines) for hunting preserves, with the ability to have a minimum one foot buffer.

10. There shall be a two mile radius for public notification in the application of public or private target or shooting courses. There shall be a one-half mile radius for public notification in the application of a hunting preserve.

G. Utility Facility:

1. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - a. Technical and engineering feasibility;
 - b. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c. Lack of available urban and non-resource lands;
 - d. Availability of existing rights of way;
 - e. Public health and safety; and
 - f. Other requirements of state and federal agencies.
2. Costs associated with any of the factors listed in a. may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
3. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
4. The governing body of the County or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in

order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farm lands.

5. In addition to a. through d. of this section, the establishment or extension of a sewer system as defined by [OAR 660-011-0060](#)(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR [660-011-0060](#).
6. The provisions of 1 – 4 do not apply to interstate natural gas pipelines and associated facilities authorized by a subject to regulation by the Federal Energy Regulatory Commission.

H. Private Parks, Playgrounds and Campgrounds

1. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

I. On Site Filming

1. No filming shall occur without written permission of the landowner.
2. Filming may be restricted during the hours between 10 p.m. and 8 a.m. if nearby residents would be disturbed by noise, lights or any other filming activity.
3. Filming shall not create traffic hazards.
4. Prior to filming, written authorization shall be obtained from the applicable fire department for the use of any fire-related activities, such as welding or cutting equipment, pyrotechnical devices or related activities.
5. All federal, state and county aircraft regulations shall apply. It is the responsibility of the applicant to be aware of all regulations.
6. All structures shall be self-supporting. Digging or construction of permanent foundations will not be allowed.
7. Weekly garbage pickup shall be provided and any garbage or debris gathered daily.
8. All garbage, debris, sets, or other equipment or props must be removed and properly disposed of within 24 hours of completion of filming.
9. All food concessions shall obtain a permit from the North Central Public Health District.

10. It is the responsibility of the applicant to provide proper sanitation, potable water, off-road parking, and security.
11. No mammals, fish, reptiles, or other animals shall be released into the environment during or after filming.
12. All animals shall be tethered, leashed or caged when not immediately required for filming.

J. Commercial Activities in Conjunction with Farm Use

The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

1. Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.
2. Farm product receiving plants, including processing, packaging, and reshipment facilities.
3. Livestock feed or sales yards.
4. Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm related equipment and implements.
5. Farm equipment storage and repair facilities.
6. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
7. Veterinarian clinic.
8. Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.
9. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
10. Wineries for production from fruits, a portion of which are grown on the property, including retail sales.
11. And other such uses which may be construed as similar to the above listed uses.

The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission decision No. 79 003.

K. Wind Power Generation Facility: For purposes of this section a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

1. For high-value farmland soils described in ORS [195.300](#)(10), it must be found that all of the following are satisfied:

- a. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - i. Technical and engineering feasibility;
 - ii. Availability of existing rights of way; and
 - iii. The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph b. of this subsection.
- b. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.
- c. Costs associated with any of the factors listed in paragraph a. of this subsection may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.
- d. The owner of a wind power generation facility approved under Section 1. above shall be responsible for restoring, as nearly as possible, to its former condition

any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

- e. The criteria in Section 2., below are satisfied.
2. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described in ORS [195.300](#)(10), it must be found that:
- a. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and
 - b. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and
 - c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

3. For non-arable lands, meaning lands that are not suitable for cultivation, it must be found that the requirements of Subsection 2. d. above are satisfied.
4. In the event that a wind power generation facility is proposed on a combination of arable and non-arable lands as described in Sections 2. and 3. above, the approval criteria of Section 2. shall apply to the entire project.

L. All new agritourism events or activities shall have a pre-application conference with agency partners to determine:

1. Water availability/rights sufficient for the additional uses/activities.
2. Adequate fire protection, including:
 - i. Emergency access and turnaround commensurate with Chapter 10 and Chapter 22 standards.
 - ii. Location within a RFPD or a contract with a RFPD to provide services.
 - iii. A fire mitigation plan, consistent with 10.230, and to include:
 - (a) Onsite water source of up to 8,000 gallons
 - (b) Evacuation routes
 - (c) A designated emergency gathering area
 - (d) Training protocols for staff
 - (e) Consultation with RFPD
 - (f) Clear signage for fire lanes, onsite water source, electrical service shut off locations
 - (g) Designated smoking areas
3. Adequate road access
 - i. A traffic control plan to include certified staff for events
4. Adequate sanitary waste facilities
5. Adequate safety and security

6. Adequate neighbor notification for events and activities with
 - i. Plan to provide annual notice with specific calendar and details to neighbors within 750 feet of property
7. A complete application shall include:
 - a. A fire mitigation plan, consistent with 10.230 and L above.
 - b. A traffic control plan
 - c. A solid waste and sanitary plan
 - d. Hours of operation
 - e. Road improvement or maintenance plan
 - f. Parking diagrams with any required improvements
 - g. Neighbor notification plan